

## MANAGEMENT OF NEPA PUBLIC COMMENTS

Public involvement plays an integral role in the National Environmental Policy Act (NEPA) and provides stakeholders with opportunities to get involved in the decision-making process of future public projects. As technology continues to evolve and advance, online tools and social media channels provide accessible methods to inform and engage stakeholders.

Although there are many opportunities to engage with the public in new and innovative ways, it's important that comment management and online interactive tools are handled appropriately. Effective engagement and comment management should ensure that UDOT sets the proper expectations for stakeholders during the NEPA process, especially in terms of comment management and privacy disclaimers when implementing online tools.

The consultant Public Involvement Manager will work closely with the UDOT Project Manager, the Region Communications Manager (RCM) and the project team during the NEPA process to determine outreach tools and methods of comment documentation.

## Comment Management

### Types of Comments

Public comments are divided into two categories: formal comments and informal correspondence and input.

1. **Formal comments (paper, email, website)** are comments received during a formal NEPA comment period. These formal comment periods include (a) scoping, during which comments are used by UDOT to inform the NEPA process, and (b) public review of a NEPA document, during which UDOT must respond to each comment and incorporate the comments and responses into the NEPA document. Comments made during a formal comment period are forwarded to the UDOT Project Manager and Environmental Program Manager as part of the formal project documentation. The consultant Public Involvement Manager works with UDOT to determine how comments should be managed during the NEPA process and how to communicate with stakeholders.

Also, for Environmental Impact Statements (EISs), the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires UDOT to give participating agencies and the public an opportunity to become involved in defining the purpose of and need for the project, and developing the range of alternatives. Formal comments on these elements of the project do not require a direct response from UDOT, but UDOT might need to provide direct responses to participating agencies so that they understand how their input was considered. For public comments, UDOT could include a summary of the comments and general responses on the project website to show how UDOT considered the input during the process.

2. **Informal Correspondence and Input** includes comments made outside designated formal comment methods or outside a formal comment period. Informal correspondence and input are used to inform UDOT of the general public perceptions. UDOT documents informal input in the project records and responds to informal comments on a case-by-case basis. Input submitted outside of a formal comment period is forwarded to the project team. If a member of the project team decides that a response is needed, the consultant Public Involvement Manager works with the project team to provide a response.
  - a. **Informal Correspondence** includes paper, email, and website comment submissions.
  - b. **Informal Input** includes interactive online tools such as social media, Click 'N Fix, interactive maps, crowdsourcing platforms, etc.

Aside from during formal comment periods, UDOT does not incorporate stakeholder input into a formal scoping report or the NEPA document. Instead, the input is a supplement to the study and helps the project team assess current public opinion, other issues to consider in the NEPA process, and suitable engagement strategies.

### Formal Comment Disclaimer

The Formal Comment Disclaimer below should be incorporated on platforms where formal comments are being received (paper, email, website) in order to clarify UDOT's actions. It should be presented as a link for public review on websites and in its entirety on paper forms.

Comments provided to the project team will be reviewed and considered by UDOT as it develops the project. All comments received will be documented in the project record. The study team will contact you if they need additional information or clarification.

UDOT's responses to comments made during the formal Draft EIS comment period will be included in the Final EIS. *[Alternate text for an EA: Comments made during the EA public review period will be considered as UDOT prepares the Final EA.]*

Comments provided during the National Environmental Policy Act (NEPA) process to UDOT are a matter of public record and subject to public release, if requested. For more information, see the [Terms of Use](#) at the bottom of the Utah.gov website.

Comments that are publicly displayed through online tools must follow our [UDOT Social Media Policy Participant Code of Conduct](#). Comments that are unacceptable under that policy may be removed at the administrator's discretion.

### Informal Comment Disclaimer

Incorporate the Informal Comment Disclaimer below on outreach tools (paper, email, website, online tools) in order to set the proper expectations that stakeholders' comments are not formal but are still a matter of public record. It should be presented as a link for public review on websites and in its entirety on paper forms.

Comments made on this *[name the outreach tool]* are used for informational purposes to help the project team identify potential resources and understand potential concerns that are important to stakeholders. If the project team needs additional information, you will be contacted; otherwise, no response will be provided by UDOT.

These comments are considered informal input into the decision-making process. To submit a formal comment, please email *[xxx]* or go to *[provide a link or direct them to a tool where a formal comment can be submitted]*.

Comments that are publicly displayed through online tools must follow our [UDOT Social Media Policy Participant Code of Conduct](#). Comments that are unacceptable under that policy may be removed at the administrator's discretion.

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## Removing Comments

Retaining negative comments is an important part of the public comment process because it shows project transparency and UDOT's willingness to listen. However, if a comment violates the norms of civil conduct, removing it is justified. The UDOT Social Media Policy defines acceptable and unacceptable behaviors that will help to identify when a comment should be removed from the public record.

Per the [UDOT Social Media Policy](#), the **Participant Code of Conduct** is:

We welcome and encourage comments, conversations and feedback. To maintain a professional space where ongoing communication can take place, please be advised of the following:

- Excessive foul language, threats, obscene comments and other unacceptable comments, content and posts will be deleted at the administrator's discretion.
- Spam, off-topic or other similar posts and comments will be deleted at the administrator's discretion.
- Opinions are welcome. We ask that you support these statements with research, findings or even the original source so we can best respond to your query.
- This account is monitored during regular business hours (Monday – Friday, 8 a.m. – 5 p.m.).
- Some issues are best handled off-line, or off of the social sites. We may ask you to call us, message us privately or email us to best respond to your question or address a concern.

(URL: <http://www.udot.utah.gov/main/uconowner.gf?n=9966024694955721>)

The Public Involvement Manager or their delegate monitors comments regularly during the NEPA process, making every effort to be aware of the content of comments and working with the UDOT Project Manager and the RCM to determine when comments should be removed.

Some interactive tools allow screening comments before they are posted on public pages. In situations where a comment does not follow the Participant Code of Conduct, the Public Involvement Manager, in coordination with the UDOT Project Manager, may decide to respond to the commenter, providing a link to the Participant Code of Conduct and inviting them to resubmit their comment in a way that follows those guidelines before the comment can be posted on the page.

### Providing Feedback to the Project Team

Effective comment management also includes providing to the project team an accurate, detailed summary that reports trends, sentiments and comments from the public received via all of the engagement tools used by the project. The consultant Public Involvement Manager works with the UDOT Project Manager and the RCM to determine how often summaries will be communicated to the project team.

### Documenting Comments during the Process

Although not all comments will be incorporated into a formal NEPA report, documentation will still be necessary to record the public's responses and reactions during the NEPA process. If there is no back-end reporting tool, documentation of interactive tools used on project websites should include an overview of the engagement tools, a date-stamped copy and paste (screenshot) of all comments from the website, and any corresponding responses from the project team. This documentation is provided to the UDOT Project Manager, the RCM and the project team on a regular basis or after the study is completed.

## Online Interactive Tools

New online interactive tools are constantly being developed. This guidance document does not list all of these tools, but some examples are social media, online interactive maps, website comment forms and crowdsourcing platforms.

### Outreach Planning and Strategy

Although there are many tools and resources at our disposal, it's important to consider the strategic benefit of each tool before implementing it. Online tools continue to change with technology, and new innovations don't automatically guarantee effective public engagement and comment management.

Before implementing any new tool, the consultant Public Involvement Manager submits a strategic plan to the UDOT Project Manager, RCM, and the UDOT Interactive Communication Manager. This plan describes:

- Recommended online tool
- Purpose and benefits of using the tool
- Intended audience(s)

- How the tool will support effective online engagement and the project's overall goals
- Who will be responsible for the content development
- Project team process for managing posts, comments and documentation
- Type and amount of information that will need to be posted as well as the frequency of information posted

Once the tool is approved, the consultant Public Involvement Manager coordinates with the UDOT Project Manager, the RCM and the project team to ensure that the tool is being used effectively. UDOT's Social Media guidance includes the Content Development and Management Policy for UDOT consultants managing and/or contributing to UDOT social media channels.

All online tools should incorporate either the formal or informal comment disclaimer depending on the current stage of the NEPA process and the tool's purpose.

## Social Media

For all social media efforts during the NEPA process, public involvement representatives must adhere to UDOT's social media policy.

All social media interactions should occur under the direction of the RCM. Separate project accounts are generally not encouraged but can be approved by the RCM and the UDOT Communications Office when applicable.

Social media should be used to raise awareness about the environmental study and act as a supplement to the project's primary communications tools. Social media posts should direct people to the project's website, contact information and comment sites.

When comments about the study are made via social media, the RCM and consultant Public Involvement Manager direct commenters to the formal comment tools, encouraging them to use those platforms for project dialogue.

## 327 NEPA Assignment Language

A disclosure to the public and agencies regarding UDOT's assumption of NEPA responsibilities from the FHWA must be included as part of agency outreach and public involvement procedures in accordance with the *Memorandum of Understanding between the FHWA and the UDOT concerning the State of Utah's Participation in the Surface Transportation Project Delivery Program Pursuant to 23 USC 327*. The disclosure should be included on project websites, paper comment forms, and online interactive tools. The disclosure should be stated as follows:

*The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by UDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated January 17, 2017, and executed by FHWA and UDOT.*